

02/06/09

1-Fu/ RCE/#

FEB 04 2009

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Address to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450

Application No. 10/551,884
 Filing Date February 6, 2007
 First Named Inventor Patrick Joseph Caroline
 Art Unit 2873
 Examiner Name Greece, James R.
 Attorney Docket No. 7605P001

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See instruction sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 C.F.R. § 1.114** – Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____
 (Any unentered amendment(s) referred to above will be entered. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- iii. ☐ Other _____
- b. ☒ Enclosed
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☒ Information Disclosure Statement (IDS) 02/06/2009 CNGUYEN2 00000031 10551884
- iv. ☐ Other 01 FC:1801 810.00 OP

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months. Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other _____

3. Fees The RCE fee under 37 C.F.R. § 1.17(e) is required by C.F.R. § 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 02-2666
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
- iii. ☒ Processing fee under 37 CFR § 1.17(i) for Limited Suspension of Action
- iv. ☒ Other Any fee deficiency
- b. ☒ Check in the amount of \$ 810.00 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type) Lester J. Vincent Registration No. (Attorney/Agent) 31,460

Signature [Signature] Date February 4, 2009

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below:

Name (Print/Type) _____

Signature _____ Date _____

Express Mail No. (only if applicable): EM327959338US

INSTRUCTION SHEET FOR RCEs

(Not to be submitted to the USPTO)

NOTES:

An RCE is not a new application, and filing an RCE will not result in an application being accorded a new filing date.

Filing Qualifications:

The application must be a utility or plant application filed on or after June 8, 1995. The application cannot be a provisional application, a utility or plant application filed before June 8, 1995, a design application, or a patent under reexamination. See 37 CFR 1.114(e).

Filing Requirements:

Prosecution in the application must be closed. Prosecution is closed if the application is under appeal, or the last Office action is a final action, a notice of allowance, or an action that otherwise closes prosecution in the application (e.g., an Office action under Ex parte Quayle). See 37 CFR 1.114(b).

A submission and a fee are required at the time the RCE is filed. If reply to an Office action under 35 U.S.C. 132 is outstanding (e.g., the application is under final rejection), the submission must meet the reply requirements of 37 CFR 1.111. If there is no outstanding Office action, the submission can be an information disclosure statement, an amendment, new arguments, or new evidence. See 37 CFR 1.114(c). The submission may be a previously filed amendment (e.g., an amendment after final rejection).

WARNINGS:

Request for Suspension of Action:

All RCE filing requirements must be met before suspension of action is granted. A request for a suspension of action under 37 CFR 1.103(c) does not satisfy the submission requirement and does not permit the filing of the required submission to be suspended.

Improper RCE will NOT toll Any Time Period:

Before Appeal – If the RCE is improper (e.g., prosecution in the application is not closed or the submission or fee has not been filed) and the application is not under appeal, the time period set forth in the last Office action will continue to run and the application will be abandoned after the statutory time period has expired if a reply to the Office action is not timely filed. No additional time will be given to correct the improper RCE.

Under Appeal – If the RCE is improper (e.g., the submission or the fee has not been filed) and the application is under appeal, the improper RCE is effective to withdraw the appeal. Withdrawal of the appeal results in the allowance or abandonment of the application depending on the status of the claims. If there are no allowed claims, the application is abandoned. If there is at least one allowed claim, the application will be passed to issue on the allowed claim(s). See MPEP 1215.01.

See MPEP 706.07(h) for further information on the RCE practice.



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Application No. 10/551,884
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First Named Inventor Patrick Joseph Caroline
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 - a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months. Fee under 37 C.F.R. § 1.17(i) required)
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Name (Print/Type) Lester J. Vincent Registration No. (Attorney/Agent) 31,460
Signature [Signature] Date February 4, 2009

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Name (Print/Type) _____
Signature _____ Date _____

Express Mail No. (only if applicable): EM327959338US

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(Not to be submitted to the USPTO)

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WARNINGS:

Request for Suspension of Action:

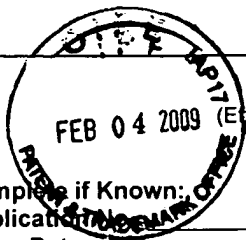
All RCE filing requirements must be met before suspension of action is granted. A request for a suspension of action under 37 CFR 1.103(c) does not satisfy the submission requirement and does not permit the filing of the required submission to be suspended.

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See MPEP 706.07(h) for further information on the RCE practice.



FEE TRANSMITTAL FOR FY 2009

(Effective on 10/02/2008. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

TOTAL AMOUNT OF PAYMENT (\$) 810.00

Complete if Known:

Application No. 10/551,884
Filing Date February 6, 2007
First Named Inventor Patrick Joseph Caroline
Examiner Name Greece, James R.
Art Unit 2873
Attorney Docket No. 7605P001

Applicant claims small entity status. See 37 CFR 1.27.

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify)
☐ Deposit Account

Deposit Account Number : 02-2666

Deposit Account Name: _____

☒ The Director is Authorized to do the following with respect to the above-identified Deposit Account:

- ☒ Charge fee(s) indicated below.
☒ Charge any additional fee(s) or underpayment of fee(s) during the pendency of this application.
☐ Charge fee(s) indicated below except for the filing fee
☒ Credit any overpayments.
☒ Any concurrent or future reply that requires a petition for extension of time should be treated as incorporating an appropriate petition for extension of time and all required fees should be charged.

Warning: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

| Large Entity | | Small Entity | | Fee Description | | Fees Paid (\$) |
|----------------------|----------|--------------|----------|------------------------------------|-----------|----------------|
| Code | Fee (\$) | Code | Fee (\$) | | | |
| 1011 | 330 | 2011 | 165 | Utility application filing fee | 1,090/545 | |
| 1111 | 540 | 2111 | 270 | Utility search fee | | |
| 1311 | 220 | 2311 | 110 | Utility examination fee | | |
| 1012 | 220 | 2012 | 110 | Design application filing fee | 460/230 | |
| 1112 | 100 | 2112 | 50 | Design search fee | | |
| 1312 | 140 | 2312 | 70 | Design examination fee | | |
| 1013 | 220 | 2013 | 110 | Plant filing fee | 720/360 | |
| 1113 | 330 | 2113 | 165 | Plant search fee | | |
| 1313 | 170 | 2313 | 85 | Plant examination fee | | |
| 1014 | 330 | 2014 | 165 | Reissue filing fee | 1,520/760 | |
| 1114 | 540 | 2114 | 270 | Reissue search fee | | |
| 1314 | 650 | 2314 | 325 | Reissue examination fee | | |
| 1005 | 220 | 2005 | 110 | Provisional application filing fee | | |
| SUBTOTAL (1) \$ 0.00 | | | | | | |



2. EXCESS CLAIM FEES

Fee Description

Large Entity Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) |
|----------|----------|----------|----------|
| 1202 | 52 | 2202 | 26 |
| 1201 | 220 | 2201 | 110 |
| 1203 | 390 | 2203 | 195 |
| 1204 | 220 | 2204 | 110 |
| 1205 | 52 | 2205 | 26 |

Fee Description

Each claim over 20
 Each independent claim over 3
 Multiple dependent claims, if not paid
 Reissue: each claim over 20 and more than in the original patent
 Reissue: each independent claim more than in the original patent

Extra Claims

Fee

Fees Paid (\$)

Total Claims _____ - 20 or HP = _____

X \$ 26.00 = _____

HP = highest number of total claims paid for, if greater than 20

Independent Claims _____ - 3 or HP = _____

X \$110.00 = _____

HP = highest number of independent claims paid for, if greater than 3

Multiple Dependent Claims _____ = _____

SUBTOTAL (2) \$ 0.00

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 C.F.R. 1.52(e)), the application size fee due is \$270 (\$135 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

| <u>Total Sheets</u> | <u>Extra Sheets</u> | <u>Number of each additional 50 or fraction thereof</u> | <u>Fee from below</u> | <u>Fees paid (\$)</u> |
|---------------------|---------------------|---|---------------------------|-----------------------|
| _____ | - 100 = _____ | / 50 = _____ (round up to whole number) | X \$135.00 | _____ |

Large Entity

Fee Code Fee (\$)

Small Entity

Fee Code Fee (\$)

Fee Description: Application size fee for each additional group of 50 sheets beyond initial 100 sheets (count spec & drawings except sequences & program listings):

| | | | | |
|-----------|-----|------|-----|-------------|
| 1081 | 270 | 2081 | 135 | Utility |
| 1082 | 270 | 2082 | 135 | Design |
| 1083 | 270 | 2083 | 135 | Plant |
| 1084 | 270 | 2084 | 135 | Reissue |
| 1085..... | 270 | 2085 | 135 | Provisional |

SUBTOTAL (3) \$ 0.00

FEE CALCULATION (continued)

FEB 04 2009

4. OTHER FEE(S)

Fees Paid (\$)

Non-English Specification, \$130 fee (no small entity discount)

| Large Entity | | Small Entity | | Fee Description | |
|--------------|----------|--------------|----------|--|-----|
| Code | Fee (\$) | Code | Fee (\$) | | |
| 1051 | 130 | 2051 | 65 | Surcharge - late filing fee or oath | |
| 1052 | 50 | 2052 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 1053 | 130 | 1053 | 130 | Non-English specification | |
| 1812 | 2,520 | 1812 | 2,520 | For filing a request for ex parte reexamination | |
| 1813 | 8,800 | 1813 | 8,800 | Request for inter parties reexamination | |
| 1804 | 920* | 1804 | 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 | 1,840* | 1805 | 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 | 130 | 2251 | 65 | Extension for reply within first month | |
| 1252 | 490 | 2252 | 245 | Extension for reply within second month | |
| 1253 | 1,110 | 2253 | 555 | Extension for reply within third month | |
| 1254 | 1,730 | 2254 | 865 | Extension for reply within fourth month | |
| 1255 | 2,350 | 2255 | 1,175 | Extension for reply within fifth month | |
| 1401 | 540 | 2401 | 270 | Notice of Appeal | |
| 1402 | 540 | 2402 | 270 | Filing a brief in support of an appeal | |
| 1403 | 1,080 | 2403 | 540 | Request for oral hearing | |
| 1451 | 1,510 | 1451 | 1,510 | Petition to institute a public use proceeding | |
| 1452 | 540 | 2452 | 270 | Petition to revive - unavoidable | |
| 1453 | 1,620 | 2453 | 810 | Petition to revive - unintentional | |
| 1501 | 1,510 | 2501 | 755 | Utility issue fee (or reissue) | |
| 1502 | 860 | 2502 | 430 | Design issue fee | |
| 1503 | 1,190 | 2503 | 595 | Plant issue fee | |
| 1462 | 400 | 1462 | 400 | Petitions to the Commissioner (CFR 1.17(f) Group I) | |
| 1463 | 200 | 1463 | 200 | Petitions to the Commissioner (CFR 1.17(g) Group II) | |
| 1464 | 130 | 1464 | 130 | Petitions to the Commissioner (CFR 1.17(h) Group III) | |
| 1807 | 50 | 1807 | 50 | Processing fee under 37 CFR 1.17(q) | |
| 1806 | 180 | 1806 | 180 | Submission of Information Disclosure Stmt | |
| 8021 | 40 | 8021 | 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 | 810 | 2809 | 405 | For filing a submission after final rejection (see 37 CFR 1.129(a)) | |
| 1814 | 140 | 2814 | 70 | Statutory Disclaimer | |
| 1810 | 810 | 2810 | 405 | For each additional invention to be examined (see 37 CFR 1.19(b)) | |
| 1801 | 810 | 2801 | 405 | Request for Continued Examination (RCE) | 810 |
| 1802 | 900 | 1802 | 900 | Request for expedited examination of a design application | |
| 1504 | 300 | 1504 | 300 | Publication fee for early, voluntary, or normal pub. | |
| 1505 | 300 | 1505 | 300 | Publication fee for republication | |
| 1803 | 130 | 1803 | 130 | Request for voluntary publication or republication | |
| 1808 | 130 | 1808 | 130 | Processing fee under 37 CFR 1.17(i) (except provisionals) | |
| 1454 | 1,410 | 1454 | 1,410 | Acceptance of unintentionally delayed claim for priority | |

Other fee (specify) _____

Other fee (specify) _____

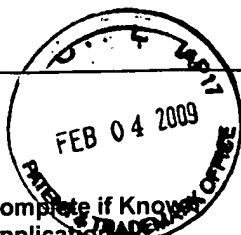
SUBTOTAL (4) \$ 810.00

*Reduced by Basic Filing Fee Paid

SUBMITTED BY:

Typed or Printed Name: Lester J. VincentSignature: [Signature]Date: February 4, 2009Reg. Number: 31,460Telephone Number: 408-720-8300

Send to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450



FEE TRANSMITTAL FOR FY 2009

Effective on 10/02/2008. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

TOTAL AMOUNT OF PAYMENT (\$) 810.00

Complete if Known
Application No. 10/551,884
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First Named Inventor Patrick Joseph Caroline
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Applicant claims small entity status. See 37 CFR 1.27.

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☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify)

☐ Deposit Account

Deposit Account Number : 02-2666

Deposit Account Name: _____

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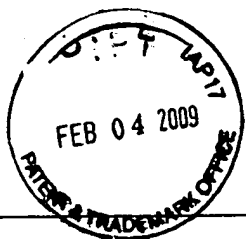
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Fee Description

| Large Entity | | Small Entity | |
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| Fee | Fee | Fee | Fee |
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Fee Description

Each claim over 20
Each independent claim over 3
Multiple dependent claims, if not paid
Reissue: each claim over 20 and more than in the original patent
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| | <u>Extra Claims</u> | <u>Fee</u> | <u>Fees Paid (\$)</u> |
|---|---------------------|--------------------|-----------------------|
| Total Claims _____ - 20 or HP = _____ | | X \$ 26.00 = _____ | |
| HP = highest number of total claims paid for, if greater than 20 | | | |
| Independent Claims _____ - 3 or HP = _____ | | X \$110.00 = _____ | |
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| Multiple Dependent Claims _____ | | _____ = _____ | |
| | | SUBTOTAL (2) \$ | 0.00 |

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 C.F.R. 1.52(e)), the application size fee due is \$270 (\$135 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

| <u>Total Sheets</u> | <u>Extra Sheets</u> | <u>Number of each additional 50 or fraction thereof</u> | <u>Fee from below</u> | <u>Fees paid (\$)</u> |
|---------------------|---------------------|---|---------------------------|-----------------------|
| _____ - 100 = _____ | / 50 = _____ | (round up to whole number) | X \$135.00 | _____ |

| Large Entity | | Small Entity | |
|--------------|------|--------------|------|
| Fee | Fee | Fee | Fee |
| Code | (\$) | Code | (\$) |

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FEE CALCULATION (continued)

FEB 04 2009

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| 1402 | 540 | 2402 | 270 | Filing a brief in support of an appeal | |
| 1403 | 1,080 | 2403 | 540 | Request for oral hearing | |
| 1451 | 1,510 | 1451 | 1,510 | Petition to institute a public use proceeding | |
| 1452 | 540 | 2452 | 270 | Petition to revive - unavoidable | |
| 1453 | 1,620 | 2453 | 810 | Petition to revive - unintentional | |
| 1501 | 1,510 | 2501 | 755 | Utility issue fee (or reissue) | |
| 1502 | 860 | 2502 | 430 | Design issue fee | |
| 1503 | 1,190 | 2503 | 595 | Plant issue fee | |
| 1462 | 400 | 1462 | 400 | Petitions to the Commissioner (CFR 1.17(f) Group I) | |
| 1463 | 200 | 1463 | 200 | Petitions to the Commissioner (CFR 1.17(g) Group II) | |
| 1464 | 130 | 1464 | 130 | Petitions to the Commissioner (CFR 1.17(h) Group III) | |
| 1807 | 50 | 1807 | 50 | Processing fee under 37 CFR 1.17(q) | |
| 1806 | 180 | 1806 | 180 | Submission of Information Disclosure Stmt | |
| 8021 | 40 | 8021 | 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 | 810 | 2809 | 405 | For filing a submission after final rejection (see 37 CFR 1.129(a)) | |
| 1814 | 140 | 2814 | 70 | Statutory Disclaimer | |
| 1810 | 810 | 2810 | 405 | For each additional invention to be examined (see 37 CFR 1.19(b)) | |
| 1801 | 810 | 2801 | 405 | Request for Continued Examination (RCE) | 810 |
| 1802 | 900 | 1802 | 900 | Request for expedited examination of a design application | |
| 1504 | 300 | 1504 | 300 | Publication fee for early, voluntary, or normal pub. | |
| 1505 | 300 | 1505 | 300 | Publication fee for republication | |
| 1803 | 130 | 1803 | 130 | Request for voluntary publication or republication | |
| 1808 | 130 | 1808 | 130 | Processing fee under 37 CFR 1.17(i) (except provisionals) | |
| 1454 | 1,410 | 1454 | 1,410 | Acceptance of unintentionally delayed claim for priority | |

Other fee (specify) _____

Other fee (specify) _____

SUBTOTAL (4) \$ 810.00

*Reduced by Basic Filing Fee Paid

SUBMITTED BY:Typed or Printed Name: Lester J. Vincent

Signature: _____

Date: February 4, 2009Reg. Number: 31,460Telephone Number: 408-720-8300

Send to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450